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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR MANUEL ASTORGA,
ALEJANDRO DOMINGUEZ BOJORQUEZ,
JUAN JOSE CARDENAS-AGUAYO, and
OMAR SALAZAR-CARDENAS,

Defendants.

) Case No. 3:05-cr-066-RRB

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) **GOVERNMENT'S**

) **SENTENCING**

) **MEMORANDUM**

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COMES NOW, the United States of America, by and through undersigned
counsel, and submits its sentencing memorandum concerning defendant Jaun Jose
Cardenas-Aguayo as follows.

I. Summary of Estimated Guideline Calculations

The government has no objections to the presentence report calculations. Therefore, defendant is facing a guideline sentencing range of 121 - 151 months. Mr. Cardenas-Aguayo is further subject to a statutory mandatory minimum sentence of 10 years or 120 months. The government will not be filing a motion for downward departure under U.S.S.G. §5K1.1.

II. Response to Anticipated Objections

Neither party has filed objections to the presentence report. Defendant has asked for a downward departure from criminal history category II to criminal history category I. If granted, the guideline sentencing range would change from 121 - 151 months to 108 - 135 months. However, based on the statutory mandatory minimum the actual permissible range of sentencing would be limited to 120 - 135 months, even granted such a downward departure.

III. Government's Recommendation

In light of the fact that defendant did give a statement to law enforcement authorities, even though in the government's discretion such statement was not sufficient to trigger substantial assistance, the government is willing to recommend that defendant be sentenced to the statutory minimum term of 120 months.

RESPECTFULLY SUBMITTED this day, February 7, 2006, in

Anchorage, Alaska.

DEBORAH M. SMITH
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s/Karen Loeffler
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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2006,
a copy of the foregoing GOVERNMENTS
SENTENCING MEMORANDUM
was served, via fax, on:

Ronald A. Offret
Aglietti, Offret, and Woofert
Fax: 279-5534

s/Karen Loeffler_____